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Attorneys for Defendant NIKE, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,
LINDSAY ELIZABETH, and HEATHER
HENDER, individually and on behalf of
others similarly situated,

Plaintiffs,

v.

NIKE, INC., an Oregon Corporation,

Defendant.

Case No.: 3:18-cv-01477-JR

SUPPLEMENTAL DECLARATION OF
FELICIA A. DAVIS IN SUPPORT OF
DEFENDANT NIKE, INC.'S SUR-REPLY
IN OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION

FILED UNDER SEAL

SUPPLEMENTAL DECLARATION OF FELICIA A. DAVIS

I, Felicia A. Davis, declare and state as follows:

1. I am an attorney duly licensed to practice law in the State of California, and am admitted *pro hac vice* to the District Court of Oregon. I am a partner at the law firm of Paul Hastings LLP, counsel of record for Nike, Inc. in the above-captioned lawsuit. I have personal knowledge of the facts contained herein, or know of such facts by my review of the files maintained by Paul Hastings LLP in the normal course of its business, and if called upon to do so, could and would competently testify thereto.

2. I submit this Declaration in Support of Defendant Nike, Inc.'s Sur-Reply in Opposition to Plaintiffs' Motion for Class Certification.

3. Attached hereto as **Exhibit 1** is a true and correct copy Kelly Cahill's Charge of Discrimination filed against Nike, Inc. on July 25, 2018, Bates numbered PLF_000749-56, also produced as Exhibit 32 in the Deposition of Kelly Cahill.

4. Attached hereto as **Exhibit 2** is a true and correct copy of Nike, Inc.'s March 5, 2015 offer letter for Heather Hender, Bates numbered NIKE_00014416, also produced as Exhibit 136 in the Deposition of Heather Hender.

5. Attached hereto as **Exhibit 3** is a true and correct copy of Nike, Inc.'s July 20, 2012 letter confirming Sara Johnston's acceptance for the Business Systems Analyst I - Integrated Planning Solutions position, Bates numbered NIKE_00014659.

6. Attached hereto as **Exhibit 4** is a true and correct copy of a relevant excerpt from the Deposition of Plaintiff Heather Hender, taken on January 14, 2021.

7. Attached hereto as **Exhibit 5** is a true and correct copy of a relevant excerpt from the Deposition of Plaintiff Sara Johnston, taken on November 24, 2020.

8. Attached hereto as **Exhibit 6** is a true and correct copy of a relevant excerpt from the Deposition of Opt-in Emily Tucker, taken on January 22, 2021.

9. Attached hereto as **Exhibit 7** is a true and correct copy of a relevant excerpt from the Deposition of Plaintiff Kelly Cahill, taken on November 18, 2020.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 and the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 10th day of June 2022, at Los Angeles, California.

/s/ Felicia A. Davis

Felicia A. Davis

ORIGINAL

BUREAU OF LABOR AND INDUSTRIES
Civil Rights Division Complaint of Unlawful Practice

COMPLAINANT:	Case #: STEMSX180725-11114
Kelly Cahill	
REDACTED	
RESPONDENT:	Contact: (503) 671-6453
Nike, Inc. One Bowerman Drive Beaverton, OR 97006	
County: Washington	# of Employees: 75,000+
ORS 659A.030	
See attached statement for the particulars and the signature of the Complainant.	

RECEIVED

JUL 25 2018

CIVIL RIGHTS DIVISION
PORTLAND OFFICE

Kelly Cahill
Charge of Discrimination

The Particulars are:

I. OVERVIEW OF ALLEGATIONS

1. This sex discrimination charge is filed on behalf of myself, Kelly Cahill, and all other similarly situated female corporate employees of Nike, Inc. ("Nike"), who worked at Nike's headquarters in Oregon at Nike's Corporate Division ("Oregon Corporate Employees"). Like other female Oregon Corporate Employees at Nike, I have been harmed by Nike's continuing policy, pattern, and practice of sex discrimination with respect to performance evaluations, pay, promotions, and other terms and conditions of employment in violation of the Oregon State Law Against Discrimination, ORS 659A.001, *et seq.*

2. Nike has continued these policies and practices despite knowing that they have a disparate impact on female Oregon Corporate Employees. Nike's Oregon headquarters has a pervasive culture of gender discrimination and harassment that reinforces and exacerbates the discriminatory effects of Nike's policies and practices. On information and belief, Nike has retaliated against female Oregon Corporate Employees who complained about gender discrimination.

II. NIKE HEADQUARTERS

3. Nike's worldwide headquarters consists of campuses in and around Beaverton, Oregon. All of Nike's most senior executives are based at Nike's headquarters.

4. Nike is divided into "Organizations" and "Teams." There is an executive, either a President or a Vice-President, in charge of each Organization. Within each Organization, there are "Teams." Typically, the most senior member of each Team is a Senior Director. I worked within the Direct to Consumer ("DTC") Organization on the Nike.com Team. The DTC Organization was within the Nike Brand Organization.

5. Below Senior Directors, there are Directors, then Managers, and then a variety of lower-level titles, including lead, project coordinator, analyst, specialist, and assistant.

6. In addition, Nike has thousands of workers that Nike has classified as independent contractors ("Contractors"). As both an employee and a manager, I observed that Nike full-time employees ("FTEs") were the primary people who directed the hiring of Contractors and conducted the interview process, dictated Contractors' pay, set Contractors' job duties, assigned work to Contractors, determined whether Contractors would receive pay increases, determined whether Contractors were promoted to FTEs, and made the decision to terminate a Contractor. On information and belief, the hiring was done through Nike's internal staffing agency, "Flex," which was located at Nike headquarters.

III. EDUCATION AND WORK HISTORY

7. I graduated from the University of Oregon in 2004 with a Bachelor of Science in Sports Marketing. I received a Project Management Certification from the University of Washington in 2011. Before starting at Nike, I worked in marketing, business development, and digital advertising and marketing.

8. I worked at Nike from November 2012 through July 2017. I began as a Senior Producer on the Global Digital Brand Team, and Nike classified me as a Contractor while I held that position. In October 2013, I was hired as a full-time employee at the Director level, as Global Cross-Category Director for Nike.com from October 2013 to November 2014 and then as Brand Marketing Director for Nike.com, North America until I left on July 26, 2017.

9. Although Nike is divided into Organizations and Teams, there are many connections and similarities across Organizations and Teams. Nike Oregon Corporate Employees often had more than one direct or indirect line of reporting, and there were overlapping responsibilities among employees in different Organizations and/or different Teams. In addition, Nike Oregon Corporate Employees were transferred and/or promoted from one Team and/or Organization to another. Other Nike employees worked as Directors on different Teams and Organizations, and, on information and belief, they had similar responsibilities as I did.

10. During my tenure at Nike, I consistently achieved and exceeded my performance goals and made significant contributions to Nike's business. I also took on additional responsibilities, including, for example, after a reorganization around fall of 2016, I became responsible for all the duties previously held by Paige Azavedo, including ten additional direct reports.

IV. DISCRIMINATION

Performance Evaluations

11. On information and belief, Nike has a uniform rating system for annually evaluating employee performance. One part of the performance evaluation process is supposed to be a substantive, written evaluation, called "Coaching for Excellence" ("CFE"). Oregon Corporate Employees are supposed to discuss their CFE with their managers one-on-one during a mid-year review, which occurs around January, and a final review, which occurs around June.

12. The critical part of the performance evaluation process is the rating of employees by their managers. On information and belief, all employees with a Senior Director, Director, Manager, or lower-level title are given a rating. There are five possible ratings: exceptional, highly successful, successful, inconsistent, and needs improvement. Nike has a policy and practice of limiting the number of Oregon Corporate Employees who can receive a highly successful rating as well as to limit the number of Oregon Corporate Employees who can receive an exceptional rating. I was told that I could only propose that two of my direct reports could receive highly successful ratings, and I was told that I could not propose that any of my direct reports receive a rating of exceptional.

13. Each employee is initially given a suggested rating by their direct manager. There is then a series of "calibration" meetings, where each Corporate employee's rating is discussed, and the participants in the calibration meetings are, on information and belief, mostly men.

14. For employees who are in Manager and lower positions, the initial calibration meeting is among the Senior Director and Directors on that employee's Team. Subsequently, the head of the Organization and Senior Directors hold another calibration meeting for all the Manager and other positions below Senior Director. If the employee is a Director, then the calibration meetings are done by Senior Directors and Vice-Presidents. On information and belief, the calibration meetings for Senior Directors' ratings are done by Vice-Presidents. The head of each Organization determines the rating for each employee within that Organization according to the rating system. This means that, ultimately, on information and belief, a small group of mostly male Vice-Presidents and other executives determine the ratings.

15. The ratings are finalized before the end of the fiscal year, which is on May 31, because the ratings impact compensation. This means the ratings must be and are finalized before the final reviews of Nike Oregon Corporate Employees in June.

16. On information and belief, female Oregon Corporate Employees regularly got lower scores than their male peers despite having equal or better work performance. On information and belief, I received lower ratings than my male peers.

17. On information and belief, the rating system is a common policy and practice utilized by Nike to rate Nike Oregon Corporate Employees. Women are routinely rated lower than similarly situated men, and this causes a disparate impact in pay and promotion, amongst other employment conditions, because the rating system has a direct, substantial impact on compensation and promotions.

Compensation

18. Oregon Corporate Employees' compensation is a result of, first, Nike's "Band" system, a specific range of salary or hourly pay and other compensation such as bonuses and equity compensation. There are six Bands, each identified by a letter that spells the word "VALUES." The S-Band is the highest level, and the L-Band and higher are salaried employees. The employees in the V-Band and A-Band are paid by the hour. Within each Band, there is a range of salaries. On information and belief, the high-end of each Band overlaps with the low-end of the next highest Band. On information and belief, Managers were in either the U-Band or E-Band, Directors were in either the E-Band or S-Band, and Senior Directors were in the S-Band. Within the E-Band and S-Band, there are also sub-Bands. I was in the E-Band for the four years I was a full-time employee at Nike.

19. Compensation within each Band is also affected by the ratings. The ratings are a critical component of the performance evaluation system because it, and not the written CFE, is used to determine annual salary or hourly raises, bonuses under the Performance Sharing Plan ("PSP"), and the amount, if any, of equity compensation awarded.

20. Each rating entitles employees receiving that rating to, for example, a percent increase in salary within a certain range. The higher the rating, the higher the range at both the low-end and high-end. For example, the range of potential pay increases is higher for employees who receive a "highly successful" rating than those who receive a "successful rating." Likewise, the "highly successful" employee is entitled to a higher range of annual bonus than the employee who receives a "successful" rating. Nike determines a target percentage for bonus for each Band level, and the bonus is then increased or decreased based on the rating.

21. Oregon Corporate Employees' senior managers are, within certain parameters, the ultimate arbiters of the ratings as well the specific percent increase in annual pay, the annual bonus payment, and the amount of equity compensation awarded, if any. Senior managers' decisions are cabined in several systematic ways, including, for example, the specific range tied to each rating. In addition, Nike provides the head of each Organization with a set pool of money to distribute among the employees in the Organization as pay increases and other compensation. Like the rating system, the set pool of money means that not all employees in the Organization will get the largest percent increase for salary or bonus within the range tied to their rating. On information and belief, compared to similarly situated male Oregon Corporate Employees who receive the same rating as female Oregon Corporate Employees, women are awarded annual pay increases and annual bonuses that are on the lower end of the range assigned to the rating.

22. Stock options are also awarded annually along with pay increases and annual bonuses, but not all Oregon Corporate Employees are awarded equity compensation. On information and belief, Oregon Corporate Employees are not eligible to be awarded equity compensation unless they are at a certain Band and/or are paid at least a certain amount in salary. Because female Oregon Corporate Employees are paid less than similarly situated male Oregon Corporate Employees and receive smaller annual pay increases than similarly situated male Oregon Corporate Employees, the threshold requirement for the award of equity compensation further compounds the gender discrimination caused by Nike's compensation and promotion policies and practices.

23. The compensation range tied to each rating is less value to women because female Oregon Corporate Employees are in lower Band levels than male peers and receive lower salary increases than their male peers. Male Oregon Corporate Employees, by contrast, received larger percent increases to their larger salaries.

24. During Nike's recently-initiated internal review of gender discrimination issues, Nike recognized that it needs to change its compensation system.

25. On information and belief, Nike's compensation system also discriminates against female Oregon Corporate Employees who qualify for Nike's severance plan benefit. Nike's standard severance plan determines the severance amount by looking at the number of years worked at Nike, the Band level, and compensation. Since Nike's compensation and promotion policies and practices had a disparate impact on female Oregon Corporate Employees, female

Oregon Corporate Employees were again discriminated against when Nike paid the severance benefit.

26. On information and belief, Nike paid me less than similarly situated males with respect to salary, bonuses, and equity compensation. When I was hired as a full-time employee, I was asked what my salary was as a contractor. I started at \$110,000 and when I left I had a salary of about \$127,000. On information and belief, a male Director on my Team, Tim Ramirez, had a salary that was approximately \$20,000 higher than my salary.

27. On information and belief, compared to similarly situated male Oregon Corporate Employees, female Oregon Corporate Employees' starting salary was lower and they were in lower Band levels.

Promotions

28. The ratings also impact promotion decisions. On information and belief, for example, if an employee receives a rating below successful, then the employee is automatically barred from applying to any internal openings.

29. Although I consistently met and exceeded my performance goals and gained significant, relevant experience prior to Nike, I was never promoted to Senior Director.

30. I sought a Senior Director position on my Team around July 2017, but that position was given to a male Director who I had worked with and observed was not performing as well as I was performing.

31. After I left Nike, on information and belief, my position was filled by a man who was awarded the title of Senior Director and placed in the E-Band.

32. On information and belief, although Nike has an approximately equal number of men and women in Corporate, the senior level positions at Nike Headquarters are overwhelmingly held by men. Only about 29% of Nike's Vice-Presidents are women, and only about 38% of Directors and Senior Directors are women. On information and belief, women make up significantly less than 38% of Senior Directors.

33. On information and belief, women make up significantly less than 50% of Oregon Corporate Employees in the E-Band (2nd highest Band) or the S-Band (highest Band) and significantly more than 50% of the Oregon Corporate Employees who are L-Band (4th highest Band) or U-Band (3rd highest Band).

34. Nike's current Vice-President of human resources stated, in April 2018, that the makeup of Nike's Vice-Presidents "demonstrate[s] that we need to accelerate representation of women . . . at leadership levels within the company." Nike's current Vice-President of human resources also recently wrote, "[w]hile we've spoken about this many times, and tried different ways to achieve change, we have failed to gain traction—and our hiring and promotion decisions are not changing senior-level representation as quickly as we have wanted."

Job Assignments

35. As an employee and manager, I observed that Nike Oregon Corporate Employees who had a better connection or visibility to certain senior executives received higher compensation and more promotions than those Nike Oregon Corporate Employees who lacked those connections or visibility.

36. I also observed that women worked in roles where they were disproportionately promoted less and, on information and belief, paid less than other roles.

Nike's Awareness of the Discrimination and Nike's Culture and Retaliation

37. On information and belief, Nike's Vice-President of human resources from 2007 through mid-2017, David Ayre, fostered a hostile work environment and was subject to numerous complaints of inappropriate workplace behavior. Nike conducted at least two internal investigations of Mr. Ayre for creating a hostile work environment.

38. Numerous Nike employees have reported that they found Nike human resources unhelpful and sometimes disrespectful. On or about April 28, 2018, Nike admitted that its Human Resources department failed to consistently work well.

39. There was a survey of female corporate employees about gender discrimination within Nike. The results of this survey were shared with Nike's CEO on March 5, 2018. Within three weeks of receiving the results of this survey, the CEO announced that Trevor Edwards, the widely-recognized next CEO of Nike, was leaving Nike.

40. Nike has been conducting an internal review of gender discrimination since March 2018. During this review, Nike has announced that at least nine senior level executives are leaving the company in addition to Mr. Edwards.

41. Approximately one year ago, Mr. Ayre sent an email to all Oregon Corporate Employees stating that Nike was going to examine whether there was a pay disparity between men and women. Approximately one month after this email, Mr. Ayre sent another company-wide email stating that Nike reviewed whether there was gender discrimination at Nike, any issues that were identified were corrected, and that there were no remaining gender discrimination issues. However, his email did not provide any data or analysis supporting those assertions.

42. I was subjected to and witnessed a former Vice-President at Nike, Daniel Tawaih, devalue women. For example, in my presence, he referred to certain women as "dykes" on several occasions. Around April 2016, Mr. Tawaih, several other Oregon Corporate Employees, including a male Director on my Team, and I were eating dinner at a restaurant. During the dinner, Mr. Tawaih said that they were hiring a new Director. I asked Mr. Tawaih about the status of the hiring process and who was being considered because the new Director would impact Cahill's work. In response, Mr. Tawaih told me that I did not need to know the status and

that my opinion did not matter. At the same time, on information and belief, the male Director on my Team was included in the hiring process.

43. I also witnessed Mr. Tawaih, then a Senior Director, berate a fellow female Oregon Corporate Employee. In approximately May 2016, Mr. Tawaih yelled at this female employee in front of me and several other Oregon Corporate Employees. Then, around July 2016, Mr. Tawaih again yelled at this female Oregon Corporate Employee about the same issue; this time it was in front of employees of an advertising agency that Nike hired for a project, as well as me and several other Oregon Corporate Employees. On that occasion, Mr. Tawaih yelled at this female Oregon Corporate Employee something along the lines of that she was a failure and that the failure of a project was all her fault even though it was mostly Mr. Tawaih's fault that the project was not completed in a certain timeframe.

44. I complained to Nike Human Resources on four separate occasions, including about the above-described incidents. None of those complaints resulted in any meaningful consequences or corrective actions.

V. CLASS CLAIMS

45. It is my understanding and belief that Nike has engaged in a continuing pattern or practice of discrimination based on sex against female Oregon Corporate Employees throughout the United States with respect to performance evaluations, compensation, promotions, and other terms and conditions of employment at Nike.

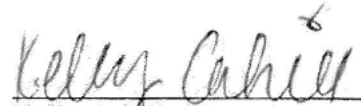
46. Among other means, Nike: has implemented this pattern and practice of discrimination through a rating system that systematically underrates female Oregon Corporate Employees as compared to their male peers, denies them fair compensation, denies them promotions, and increases the likelihood of termination. On information and belief, Nike also condones disparities in pay and promotion as well as retaliation against female employees who complain about discrimination.

47. Nike's performance review, compensation, and promotion systems have an adverse impact on female Oregon Corporate Employees throughout the United States. On information and belief, although Nike has known about the adverse impact of their practices on women's compensation and promotional opportunities, Nike failed to take steps to address the adverse impact.

I swear under penalty of perjury that I have read the above charge and that it is true and correct to the best of my knowledge, information, and belief. This charge is not intended to be exhaustive, but representative of the treatment to which Nike has subjected me.

Date:

7/25/18


Kelly Cahill
Charging Party



March 5, 2015

Heather Hender
9549 NW Elva Ave
Portland Oregon 97231
hdhender@hotmail.com

Dear Heather,

Welcome! We are pleased to present Nike's offer for the position of Manufacturing Engineer II. We feel that your experience and talents are valuable to Nike, and we are excited that you will be joining the team. As discussed, your start date will be April 6, 2015.

This offer is contingent upon the successful completion of a background investigation.

As an exempt employee not eligible for overtime, we are offering you an annualized salary of \$78,600.00, which will be paid on a biweekly basis.

This offer is contingent upon the successful completion of a drug screen. As mentioned during your verbal offer, you have 48 hours from the time of that offer to complete the drug screen.

As a Nike Inc. employee, you are eligible to participate in the Performance Sharing Plan (PSP). PSP is a discretionary bonus program based upon a percentage of your eligible paid fiscal year earnings (June 1 - May 31), and is distributed in August if we achieve our financial goals for the year. The target PSP percentage for this position is 10%. This incentive bonus will vary based upon company performance and your individual performance as determined at Nike's discretion. You must be employed by Nike on the last day of the fiscal year to be eligible to receive a PSP bonus. Further details on this Plan, including performance scales and other eligibility requirements will be provided to you. The terms and conditions of this Plan may be amended or varied at Nike's discretion and such amendment or variation shall be valid upon notification to you.

You will be eligible for most corporate benefits on your first day. If you haven't already, be sure to check out the overview of what Nike Benefits has to offer at <http://www.nikeinc.com/pages/benefits>. Nike is committed to family-friendly benefits and resources. If you require child care for children between ages 0-5, the Family Resource Coordinator in the Nike Child Development Program can help you identify options, including information about Nike's onsite childcare facilities. Call 503-671-6416 or email Melissa.McReynolds@nike.com.

You will be attending New Hire Orientation at Nike World Headquarters in Steve Prefontaine Hall, Eugene Auditorium (see attached map), on April 6, 2015 scheduled 8:00 am - 4:30 pm. The day will be spent getting you on-board, and touring the campus (bring comfortable shoes for the walking tour). You'll learn more about your resources, benefits, and NIKE's history. Please bring documentation to confirm your eligibility to work in the United States (see the attached form for guidance on acceptable documents). You must provide legal documentation to start working on your first day.

This offer, and your acceptance thereof, is contingent upon your agreement to the terms of the Covenant Not to Compete and Non-Disclosure Agreement which will be sent to your email to review and eSign the document through the *NIKE Contract Management* system.

Finally, this letter constitutes your offer with Nike and supersedes all prior oral or written communications between you and Nike on the subject matter of your employment. You understand and acknowledge that this is an offer for "at will" employment at Nike. This means that you may resign from Nike or Nike may end the employment relationship at any time, with or without cause, and with or without notice.

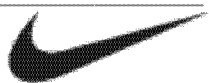
Heather, we feel that you have a great deal to contribute to our team and we hope that you will find opportunity, challenge, and satisfaction in your association with Nike.

Regards,

Michael Pfluger
DIRECTOR IHM ENG -VISI-ZOOM/TOOLING
Nike

EXHIBIT

136



July 20, 2012

Dear Sara,

Congratulations! We are pleased to confirm your acceptance of NIKE's offer for the position of Business Systems Analyst I - Integrated Planning Solutions, reporting to {HMGR_NAME}. We feel that your experience and talents are valuable to NIKE. As discussed, your start date will be August 13, 2012.

This offer is contingent upon the successful completion of a background investigation.

As an exempt employee not eligible for overtime, we are offering you an annualized salary of \$57,000.00, which will be paid on a biweekly basis.

You will remain eligible to participate in the Nike Inc. Performance Sharing Plan (PSP). PSP is a bonus program based upon a percentage of your eligible paid fiscal year earnings (June 1 - May 31) and is distributed in August if we achieve our Pre Tax Income goals for the year. The target PSP percentage for this position is 10%. This incentive bonus will vary based upon company performance and your individual performance.

Finally, this letter constitutes your offer with NIKE and supersedes all prior oral or written communications between you and NIKE on the subject matter of your employment. You understand and acknowledge that this is an offer for "at will" employment at NIKE. This means that you may resign from NIKE or NIKE may end the employment relationship at any time, with or without cause, and with or without notice.

Sara, we feel that you have a great deal to contribute to our team and we hope that you will continue to find opportunity, challenge, and satisfaction in your association with Nike Inc. If you have any questions, please feel free to contact {NAME} at [PHONE_NUMBER]. To accept this offer, please sign below and return a copy of this letter to {HMGR_NAME}.

Regards,

Rahul Sanghoi
SR. IT Manager
[Brand]

I accept and agree to the terms of the above offer of employment.

Employee's Signature: _____

Date: _____

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,)
LINDSAY ELIZABETH, and HEATHER) HENDER, individually and on)
behalf of others similarly)
situated,)
)
Plaintiffs,)
)
vs.) No. 3:18-cv-01477-JR
)
NIKE, INC., an Oregon)
Corporation,)
)
Defendant.)

VIDEO-RECORDED REMOTE COUNSEL ZOOM DEPOSITION
UPON ORAL EXAMINATION OF
HEATHER HENDER

9:10 A.M.
THURSDAY, JANUARY 14, 2021
(ALL PARTICIPANTS AT THEIR RESPECTIVE LOCATIONS)
WITNESS LOCATION: REDMOND, WASHINGTON

Reported by: Tami Lynn Vondran, CRR, RMR, CCR
Washington CCR No. 2157, Oregon CSR No. 20-0477

1 A. Yes.

2 Q. What about that Manufacturing Engineering II
3 position interested you?

4 A. Well, it talked about the production. I was
5 also interested, at the time, in working for Nike, a
6 prominent Beaverton employer with a lot of history, a
7 lot of -- what's word I'm looking for? A lot of stature
8 in Oregon and the Portland area.

9 Q. I'm going to upload the next exhibit in order.

10 A. I have it now, 136.

11 Q. You have it, great. It's Exhibit 136.

12 (Exhibit No. 136 was marked remotely for
13 identification.)

14 A. I have it open now.

15 Q. (BY MR. PRINCE) Is this the -- it's a letter
16 dated March 5, 2015.

17 Is this the offer letter that you received
18 from Nike in connection with the Manufacturing
19 Engineer II position?

20 A. It appears to be, yes.

21 Q. This was the same position that you had
22 applied for; correct?

23 A. I believe so.

24 Q. And it states that the annual salary is 78,600
25 for that position; right?

1 A. It says so, yes.

2 Q. And you -- you knew that the Manufacturing
3 Engineer II position was an L-Band position; is that
4 correct?

5 A. I'm not sure I understood the Band system at
6 Nike at this stage -- at that stage.

7 Q. When you applied or subsequently?

8 A. When this offer letter was -- was given to me,
9 or made to me.

10 Q. When you applied for the position, did you
11 understand that you were applying for an L-Band
12 position?

13 A. I do not -- I do not believe I had knowledge
14 of the Band system or what an L-Band was at that time.

15 Q. Did you have an understanding of what the pay
16 range might be for the manufacturing engineering
17 position when you applied?

18 A. I don't recall that I had a pay range for
19 that -- I don't know if -- I do not remember knowing
20 what Nike paid its Engineer IIs at that time.

21 Q. So when you submitted for the position, you
22 did not have any understanding as to what the pay range
23 might be?

24 A. I do not recall that I did.

25 Q. You never attempted to negotiate that starting

1 salary of \$78,600; is that correct?

2 A. I did not know that negotiation was an option.

3 Q. Did you inquire?

4 A. I did not know it was an option.

5 Q. So you never made the inquiry?

6 A. I didn't know inquiring was an option. I
7 thought the offers -- the offer was what it was.

8 Q. Did you believe that -- that the
9 \$78,600 salary was appropriate at the time that you
10 accepted the offer?

11 MR. DENLINGER: Objection. Vague and
12 ambiguous as to the word "appropriate."

13 You can answer, Heather.

14 A. I believe it was the offer made at the time.

15 Q. (BY MR. PRINCE) Did you tell anyone that you
16 thought the salary was too low?

17 A. That implies that I thought the salary was too
18 low. I did not discuss it with anyone other than my
19 spouse.

20 Q. Other than your spouse, did you tell anyone
21 whether or not you believed the salary was too high or
22 too low?

23 A. I did not, other than with my spouse, tell
24 anyone whether or not I believed the salary was too high
25 or too low.

1 Q. The offer letter that's in front of you as
2 Exhibit 136 also references a PSP bonus, a target bonus.

3 Do you see that, a 10 percent target bonus?

4 A. I see that.

5 Q. Did you have a conversation with anyone about
6 whether or not you thought that was an appropriate
7 target bonus?

8 A. Other than my spouse, I did not have a
9 conversation about that with anyone.

10 Q. What were your job responsibilities as a
11 Manufacturing Engineer II?

12 A. I quickly became the robotics and vision
13 system specialist for one of the older lines and then
14 incoming new line, which were new technology being
15 brought on site. So one of my first major projects was
16 the placement of a robotic controller in 2015, a complex
17 technical job which involved the ABB, which is the robot
18 manufacturer technology team, and orchestrating that
19 project.

20 Q. Did you have any other responsibilities?

21 A. There were responsibilities around new product
22 introduction. And, again, I quickly became the expert
23 at teaching vision system patterns for new product
24 introduction on robotic cell. Also improving yield and
25 throughput for the robotic and vision cell.

REPORTER'S CERTIFICATE

I, TAMI LYNN VONDRAN, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify that the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was not requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE THIS 26th day of January, 2021.



TAMI LYNN VONDRAN, CRR, RMR, CCR

Washington CCR No. 2157, Oregon CSR No. 20-0477

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)


Deposition Dates: January 14, 2021 and March 17, 2021

Deponent: Heather Hender

Page	Line(s)	Reads	Should Read	Reason
17	21	practices and pay, performance and	practices in pay, promotions and	To correct an inadvertent error
18	4	pay, performance and	pay, promotions and	To correct an inadvertent error
24	9	performance and evaluations	promotions and evaluations	To correct an inadvertent error
25	1	performance and evaluations	promotions and evaluations	To correct an inadvertent error
26	14	pay, performance and	pay, promotion and	To correct an inadvertent error
49	4	pay, performance and	pay, promotions and	To correct an inadvertent error
227	4	what she [sic] was	what he was	To correct an inadvertent error
274	1	it's where I achieved the pen	it's where I achieved the patent	To correct a transcription error
275	3	there are a few similarities in that	there are few similarities in that	To correct a transcription error
275	6	There are few similarities, so I won't say	There are few similarities, so I would say	To correct a transcription error
276	5-6	and a 50-percent target bonus.	and a 15-percent target bonus.	To correct a transcription error

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on April 21, 2021 in King County, WA.

DocuSigned by:

 72E5D0E6364F46D...

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF OREGON
3 PORTLAND DIVISION
4

5 KELLY CAHILL, SARA JOHNSTON, Case No.: 3:18-cv-01477-JR
LINDSAY ELIZABETH, and HEATHER
6 HENDER, individually and on
behalf of others similarly
7 situated,
8 Plaintiffs,
9 v.
10 NIKE, INC., an Oregon Corporation,
11 Defendant.

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14
15 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
16 SARA JOHNSTON
17 Beaverton, Oregon
18 Tuesday, November 24, 2020
19 Volume 1
20
21

22 Reported by:
LESLIE JOHNSON
23 RPR, CCRR, CSR No. 11451
24 Job No.: 4347395
25 PAGES 1 - 312

1 12:06 p.m. 12:06:40

2 BY MR. PRINCE:

3 Q So we just went off the record for a

4 moment. But, Ms. Johnston, I just want to be clear.

5 Are you going to decline to respond to the last 12:06:52

6 question?

7 A Yes. I'm going to follow the advice of my

8 lawyer.

9 Q Okay. After you departed Standard TV,

10 what was your next position? 12:07:06

11 A I worked in human resources at Lifeworks

12 Northwest. Additionally, part-time as a swim

13 instructor at Nike.

14 Q Do you recall your starting pay when you

15 were with Lifeworks Northwest? 12:07:26

16 A I do not recall.

17 Q Do you recall your ending pay?

18 A I believe it was \$35,000, approximately.

19 After I left Lifeworks, I also received an on-call.

20 I continued on to help advise through their 12:07:50

21 transition. And they do pay a differential for --

22 they changed it to hourly from salary and added a

23 differential for on-call work.

24 Q So while you were at Lifeworks, you were

25 hourly? 12:08:08

Page 77

1 A I was salary. 12:08:09

2 Q You were salary?

3 A I was an exempt employee.

4 Q And what was your title there?

5 A To the best of my knowledge, I believe 12:08:21

6 human resource specialist.

7 Q What were your duties?

8 A My duties over time were similar. There

9 are six areas of expertise inside human resources;

10 benefits administration, recruitment, employee 12:08:43

11 relations, training and development, compensation.

12 And I'm forgetting one. But I believe that I did

13 several of those while I was employed.

14 My primary focus was on recruitment and

15 benefits administration. And then I additionally 12:09:11

16 did a lot of work with IT in that space. I acted

17 similar to the role of a business analyst and helped

18 them bring all of their job applications online

19 and -- as well as their training development for

20 recredentialing their providers. 12:09:38

21 And then, additionally, I helped out in

22 the -- the provider space.

23 Q You mentioned that HR has a number of

24 different disciplines. I'm presuming that was the

25 case at Lifeworks, or are you contending that every 12:10:05

Page 78

1 REPORTER'S CERTIFICATION

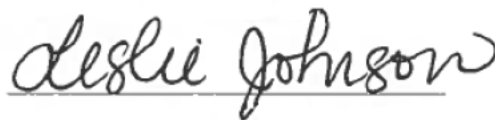
2
3 I, Leslie Johnson, a Certified Shorthand
4 Reporter of the State of California, do hereby certify:

5 That the foregoing proceedings were taken
6 before me at the time and place herein set forth; that
7 any witnesses in the foregoing proceedings, prior to
8 testifying, were administered an oath; that a record of
9 the proceedings was made by me using machine shorthand
10 which was thereafter transcribed under my direction;
11 that the foregoing transcript is a true record of the
12 testimony given.

13 Further, that if the foregoing pertains to
14 the original transcript of a deposition in a Federal
15 Case, before completion of the proceedings, review
16 of the transcript [] was [] was not requested.
17 I further certify I am neither financially interested in
18 the action nor a relative or employee of any attorney or
19 any party to this action.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name.

Dated: December 15, 2020

22
23 
24

LESLIE JOHNSON

25 CSR No. 11451, RPR, CCRR

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

Deposition Date: November 24, 2020

Deponent: Sara Johnston

Page	Line(s)	Reads	Should Read	Reason
7	11	Menfei	Mengfei	To correct a transcription error
7	25	Renée	Renee	To correct a transcription error
30	5	Yes.	Not when I was interviewed, but when I was interviewing other people.	Misheard the question
32	5	what	where	To correct a transcription error
33	9	Fallgamwalla	Balgamwalla	To correct a transcription error
33	10	David – I don't remember	David Klasner	To correct spelling
37	23	Maybe the lawyer	Maybe at the lawyers' office	To correct a transcription error
39	1	Acevedo	Azavedo	To correct a transcription error
39	6	Acevedo	Azavedo	To correct a transcription error
39	9	Acevedo	Azavedo	To correct inadvertent error in year
39	11	Acevedo's	Azavedo's	To correct a transcription error
39	14	Acevedo's	Azavedo's	To correct a transcription error
39	19	Acevedo's	Azavedo's	To correct a transcription error
39	25	Acevedo	Azavedo	To correct a transcription error
40	5	Acevedo	Azavedo	To correct a transcription error
40	8	Acevedo	Azavedo	To correct a transcription error
40	11	Acevedo	Azavedo	To correct a transcription error
49	2	To my knowledge, no.	Other than Nike, to my knowledge, no.	Misheard the question.
49	22	recognized the same rate as men	recognized at the same rate as men	To correct a transcription error
49	23-24	individuals who started with	individuals who I started with	To correct a transcription error
53	11	to	Too	To correct a transcription error
55	1	skills. In that more junior ASR, I did not realize	skills in that more junior, Sr. ASR role. I did not realize	To correct a transcription error
55	2-3	To my knowledge, I don't think I	To my knowledge, I don't think I viewed it that way.	To correct a transcription error

		viewed it that way until then.		
55	18	When I qualified	Which means to me that I was qualified	To correct a transcription error
71	20	after the same graduate school of management	Atkinson Graduate School of Management	To correct a transcription error
77	19	I also received an on-call.	I transitioned to an on-call role.	To correct a transcription error
80	23	Taleo is an application, a system application	Taleo is an application, an online job application tracking system	Full response to question asked
86	16	SaaS skills that come with that.	Social skills that come with that	To correct a transcription error
88	21	Colton	Colten	To correct a transcription error
89	7-8	I have suggested that two other people apply for the role	I encouraged two other people to apply for the role	To correct a transcription error
90	14	Colton	Colten	To correct a transcription error
90	17	Colton	Colten	To correct a transcription error
91	16	Colton	Colten	To correct a transcription error
92	5	Colton	Colten	To correct a transcription error
92	7	Colton	Colten	To correct a transcription error
92	12	Colton	Colten	To correct a transcription error
93	4	Colton	Colten	To correct a transcription error
99	18	Senior HR position	Senior ASR position	To correct a transcription error
106	25	Colton's	Colten's	To correct a transcription error
107	7	Colton	Colten	To correct a transcription error
107	7	Colton's	Colten's	To correct a transcription error
107	11	Colton	Colten	To correct a transcription error
107	13	Colton	Colten	To correct a transcription error
107	16-17	And Rick said "I'm not going to reveal, but I did negotiate."	And Rick said I'm not going to reveal, but I did negotiate, more than what you make	Full response to the question asked
107	23	Colton	Colten	To correct a transcription error
108	3	Colton	Colten	To correct a transcription error
108	6	Colton	Colten	To correct a transcription error
108	10	Colton	Colten	To correct a transcription error

108	16	Colton	Colten	To correct a transcription error
109	16	Marty. I don't remember her last name. Jenny Rhoten. Emily James. And there was another woman on our team, and she passed away. I'm – I don't remember her name.	Marty. I don't remember her last name. Jenny Rhoten. Emily James. And there was another woman on our team, and she passed away. I'm – I don't remember her name. Also Lori Nearhood	Full response to the question asked
111	16	Colton	Colten	To correct a transcription error
122	2	To get the chain of permission.	To go up the chain to get permission.	To correct a transcription error
123	24	Value structure	VALUES structure	To correct a transcription error
124	5	B	V	To correct a transcription error
124	7	B	V	To correct a transcription error
129	21	Colton	Colten	To correct a transcription error
131	1	Colton	Colten	To correct a transcription error
134	1	OAT	OIT	To correct a transcription error
136	18-19	It's my belief. I don't have a solid knowledge.	It's my belief based on my experience. I don't have solid knowledge beyond that.	To correct a transcript error and provide full response to the question asked
140	6	And the nonapplication track	And the application track	To correct a transcription error
154	24	NCS	in CS	To correct a transcription error
155	17	BSA	ASR	To correct a transcription error
162	25	HPs	pieces	To correct a transcription error
167	14	Sladebo	Fladebo	To correct a spelling error
167	18	Yes	Yes, she was also a BSA.	Misheard the question.
170	20-23	They restructured the way we did work, and they promoted Lynn, and they moved her to a different – they changed how our teams were structured.	They restructured the way we did work, and they promoted Lynn, and they moved her to a different team, which was an off-cycle event that enabled	Complete answer to question


			managers to promote people like Lynn and Mrudula – they changed how our teams were structured.	
171	25	She was a BSA1.	She was a BSA 1?	To correct a transcription error
173	6	Has ever trained on a task	Has ever trained me on a task	To correct a transcription error
173	22	Grant and Jim Sherwin	Leon Fabricki and Jim Sherwin	To correct name
174	24	I would say yeah. I mean I don't -	I would say yeah. But I mean I don't know why that should affect his performance assessment.	Full response to the question asked
175	14	I didn't have the same deliverables as Grant	I didn't work on the same deliverables with Noah like I did with Grant	To correct a transcription error
177	24	I made rec-	I made recommendations to my manager when I was involved in phone screens and interviews.	To correct a transcription error
181	11	I didn't know that I could.	No, I didn't know that I could.	Full response to the question asked
181	12	That I acted	That it acted	To correct a transcription error
186	7	I think it would have been	No, I think it would have been	Full response to the question asked
189	3	Lindsay	Lynn Fladebo	To correct a transcription error
192	4	I'm sorry. I'm sorry.	I'm sorry. I'm sorry. But as I testified earlier, senior BSAs performed the same general duties as junior and intermediate BSAs.	Full response to the question asked

192	8	I don't have visibility, to my knowledge.	I don't have visibility, to my knowledge. But as I testified earlier, senior BSAs performed the same general duties as junior and intermediate BSAs.	Full response to the question asked
194	7-8	I did not know that at the time I was made an intermediate BSA, no.	I did not know the salary range at the time I was made an intermediate BSA, no.	Full response to the question asked.
196	22	E band	U band	To correct a transcription error.
199	14	Intermediate 1	BSA 1	To correct a transcription error
199	24	initial	Initial phone screen	Full responses to question asked
201	15	And we discussed advanced --	And discussed the questions we wanted to ask in advance	Full responses to question asked
202	18	If they are not promoted at the same	If they are not promoted at the same rate	To correct a transcription error
220	22	Justin reached out to all of the Cs	Justin reached out to all of the SMEs	To correct a transcription error.
229	14	I went on the coast with	I did Hood to Coast with	To correct a transcription error
230	14-15	I viewed everything up to that point as consensual.	I viewed everything during that period as consensual.	Fully response to the question asked
244	22	Carsecken	Carspecken	To correct a transcription error
254	12-13	Justin Larsen told Juanita Danielson, "You talk to me about her issues with Chad"	Justin Larsen told Juanita Danielson that she should talk to me about her issues with Chad	To correct a transcription error
257-258	25-1	Against because she was let go and severed. They offered her	Against because she was let go and I suspect was severed. I believe they	Full response to the question asked.

		severance, and they let her go.	offered her severance, and they let her go.	
276	24	And I said “Wow, that’s – okay.”	And I said “Wow, that’s shocking, okay.”	Full response to the question asked
277	2	OTE	OTP	To correct a transcription error
300	10-11	an intermediate	a junior BSA	To conform to facts

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 1/13/2021 in Beaverton,
OR

DocuSigned by:

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 Sara Johnston

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA)
JOHNSTON, LINDSAY)
ELIZABETH, and HEATHER)
HENDER, individually and)
on behalf of others)
similarly situated,)

Plaintiffs,)

vs.)

Case No. 3:18-cv-01477-JR

NIKE, INC., an Oregon)
Corporation,)

Defendant.)
_____)

REMOTE VIDEOTAPED DEPOSITION OF EMILY TUCKER
Portland, Oregon
Friday, January 22, 2021

REPORTED BY: Dayna Michelle Glaysher
CSR No. 13079;
RPR, CRR No. 28081

1 reports. And each of those managers had between eight
2 and ten -- eight and ten or eight to twelve, depending,
3 account service reps reporting to them.

4 Q. Okay. Got it. So maybe around 40 people in your
5 group, give or take? 11:52:53

6 A. 40 to 50, in that zone.

7 Q. Okay. Okay. Great. And while you were
8 footwear/equipment, inventory planning director, were
9 you responsible for evaluating performance of people on
10 your team? 11:53:09

11 A. Yes.

12 Q. Were you responsible for completing CFE
13 evaluations and giving CFE ratings for the people on
14 your team?

15 A. Yes. 11:53:21

16 Q. Were you responsible for any compensation
17 decisions for the people on your team?

18 A. Just recommendations.

19 Q. Okay. Do you remember any compensation
20 recommendations that you made that were not followed? 11:53:31

21 A. Yes.

22 Q. Tell me about those.

23 A. Specifically Adam Piestrip. When I hired him
24 into this role, his management role, I made a
25 recommendation that put him where I thought at the time 11:53:56

Page 97

1 that he fell within that -- you know, the salary -- what
2 do you call it -- guidelines or parameters. And in
3 particular he had someone on his team who made more than
4 he did.

5 So my recommendation was to put him on that -- my 11:54:22
6 recommendation was to ensure that he was being paid
7 according to where I felt his experience lie on that
8 spectrum for the role. And that included having him
9 making more than one of the people on his team. And my
10 recommendation was not accepted. 11:54:51

11 Q. Okay. Any other times you can remember making a
12 compensation recommendation that was not followed while
13 you were footwear/equipment inventory planning director?

14 A. Hold on. Got to think about that a second. Not
15 that I can specifically recall. 11:55:19

16 Q. Okay. And you said that you wanted to ensure
17 he was being paid according to where you felt his
18 experience lied on the spectrum of -- for the role.

19 What about his experience were you considering?

20 A. His operations demand planning and deep system 11:55:37
21 knowledge.

22 Q. Why was that important?

23 A. So at the time Nike was making a huge investment
24 into their supply chain software. And it was a project
25 called planning transformation. And the long and the 11:56:02

Page 98

1 short of it is that Nike's capacity for footwear,
2 footwear capacity has never been -- had never been in
3 the system.

4 And the upgrade, if you will, to -- to the supply
5 chain was to put that factory capacity into the system 11:56:28
6 so that when we make a buy we're not -- they were not
7 purchasing what couldn't be produced.

8 Q. Okay. And so why would Mr. Piestrip's experience
9 be particularly relevant?

10 A. Having been -- he himself been in the demand 11:56:53
11 planning inventory management organization for North
12 America for many years, he -- he brought that deep
13 understanding of how the system worked, which was
14 valuable as we were endeavoring to -- to change that.

15 Q. Got it. So he was an internal hire? 11:57:19

16 A. Yes.

17 Q. Got it. But did he go through the application,
18 interview process, the whole thing?

19 A. Oh, yes.

20 Q. Okay. Got it. And what was the final decision 11:57:30
21 on his compensation?

22 Was it lower than you recommended or higher than
23 you recommended?

24 A. Oh, lower.

25 Q. Okay. And were you told why? 11:57:46

Page 99

1 A. Not to my satisfaction.

2 Q. Okay. What were you told?

3 A. I'll be honest, I don't remember correct -- like
4 the exact words or the -- I don't recall the reasoning.

5 I recall that I was frustrated that we would endeavor to 11:58:18
6 bring someone in below the minimum for a required
7 position. It didn't -- did not compute.

8 Q. Oh, was he below the minimum?

9 I thought you said before he was just below
10 someone who would be reporting to him. 11:58:37

11 A. No, I believe it was below the minimum. It was
12 below the minimum.

13 Q. Got it. Okay. Okay. Any other compensation
14 recommendation -- sorry. I already asked you that.

15 You also -- so in addition to making 11:58:53
16 recommendations about starting salary, you would also
17 make recommendations about like annual increases for
18 employees, correct?

19 A. Yes.

20 Q. Okay. What kind of factors would you consider 11:59:04
21 when you were making a recommendation about an annual
22 increase for an employee?

23 Let's say on the footwear/equipment inventory
24 planning director role.

25 A. You know what, strike what I just said. Not 11:59:17

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CERTIFICATE
OF
CERTIFIED SHORTHAND REPORTER

The undersigned certified shorthand reporter
of the State of California does hereby certify:

That the foregoing deposition was taken
before me at the time and place therein set forth, at
which time the witness was duly sworn by me.

That the testimony of the witness and all
objections made at the time of the deposition were
recorded stenographically by me and thereafter
transcribed, said transcript being a true copy of my
shorthand notes thereof.

In witness whereof, I have subscribed my
name this date: February 4, 2021



CSR Number 13079

RPR, CRR Number 28081

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

Deposition Date: January 22, 2021

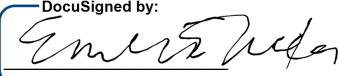
Deponent: Emily Tucker

Page	Line(s)	Reads	Should Read	Reason
28	12	Kavanagh	Cavanaugh	To correct spelling error
30	1	immanence	imminent	To correct transcription error
36	1	Michelle	Michele	To correct spelling error
36	7	Shafbow	Schafbuch	To correct spelling error
36	7	Dooby	Dube	To correct spelling error
36	7	Tanya	Tonia	To correct spelling error
38	5	Michelle	Michele	To correct spelling error
39	11	Kenny	Kenney	To correct spelling error
53	3	P-h-i-l-l-i-p-i, I believe.	P-h-i-l-l-i-p-i, I believe.	To correct spelling error
53	8	Suiten	Sutin	To correct spelling error
60	22	back sell	back fill	To correct transcription error
65	11	Nike values perspective	Nike VALUES band perspective	To clarify testimony
67	7	Birch	Burch	To correct spelling error
68	2	Birch	Burch	To correct spelling error
74	8	My role was to - - to oversight	My role was to – provide oversight	To clarify testimony
77	12	Haightman	Hapeman	To correct transcription error
83	19	Yes	Yes, I was involved in the decision.	To clarify testimony
93	3	Kavanagh	Cavanaugh	To correct spelling error
94	14	Palo Polo	Paolo Polla	To correct spelling error
97	23	Piestrip	Peistrup	To correct spelling error
100	11-12	It was below the minimum.	I am 90% sure it was below the minimum.	To clarify testimony.
101	19	Palo Polo	Paolo Polla	To correct spelling error
126	2	No	No, I did not make hiring decisions, just recommendations	To provide complete answer to question
126	5	No	No, I did not make pay decisions, just recommendations	To provide complete answer to question

126	8	No	No, I did not make CFE decisions, just recommendations	To provide complete answer to question
126	14	No	No, I did not make promotion decisions	To provide complete answer to question
126	19	Ryan	Bryan	To correct transcription error
126	22	Binser	Binzer	To correct spelling error
129	19	Maggie Winkler	Maggie Winkel	To correct transcription error
129	19	Michelle	Michele	To correct spelling error
132	17	Kenny	Kenney	To correct spelling error
136	3-4	and include that was for his direct reports	that was for his direct reports and not include me	To correct transcription error
160	4	Scarmetto	Scarmato	To correct spelling error
160	5	Scarmetto	Scarmato	To correct spelling error
166	4	rule	role	To correct transcription error
166	16	Michelle	Michele	To correct spelling error
171	9	Yes, hiring recommendations, yes.	Not hiring decisions. Hiring recommendations, yes.	To clarify testimony
181	12	Michelle	Michele	To correct spelling error

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 3/4/2021 in Portland, OR.

DocuSigned by:

 23BF53T2G8CB442...
 Emily Tucker

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1	2014?	03:51:10
2	A I -- I do not know.	03:51:14
3	Q Okay. And do you know who made any	03:51:16
4	recommendations regarding the amount of equity that	03:51:18
5	you received in July of 2014?	03:51:20
6	MR. GOLDSTEIN: Objection.	03:51:22
7	THE WITNESS: I do not. I can only assume.	03:51:25
8	BY MS. DAVIS:	03:51:25
9	Q Do you know who -- well, who do you assume	03:51:29
10	made recommendations about your equity grant?	03:51:34
11	A I would --	03:51:35
12	MR. GOLDSTEIN: Objection. If you are calling	03:51:36
13	for speculation, you have to say that.	03:51:41
14	BY MS. DAVIS:	03:51:41
15	Q Go ahead.	03:51:42
16	A I would assume it's someone who was in H.R.	03:51:44
17	makes those recommendations.	03:51:53
18	Q Do you believe that Pam, your supervisor,	03:51:54
19	has any influence on the amount of equity you	03:51:56
20	receive?	03:51:57
21	A I do not know on -- I would assume she	03:52:01
22	would have influence, yes.	03:52:05
23	Q Do you -- who do you assume made	03:52:08
24	recommendations about the amount of your PSP award?	03:52:12
25	A I would assume Pamela as well. H.R.	03:52:16

Page 139

1	Q	Anyone else?	03:52:18
2	A	H.R.	03:52:18
3	Q	Okay. What makes you believe that H.R.	03:52:30
4		influenced or had any influence over the amount of	03:52:34
5		equity you received in 2014?	03:52:37
6	A	I think it's based on distribution, and it	03:52:44
7		all has to add up to a certain company number. So	03:52:47
8		they have influence or recommend those numbers	03:52:54
9		within each function so that the company stays	03:53:01
10		neutral.	03:53:05
11	Q	And what is the basis for your saying that	03:53:07
12		H.R. weighs in on those decisions?	03:53:10
13	A	Because every -- everything is submitted	03:53:12
14		into H.R. and up the chain.	03:53:17
15	Q	Okay. Any other reason that you believe	03:53:19
16		H.R. has influence?	03:53:24
17	A	They have -- just that they have influence	03:53:25
18		over everything.	03:53:28
19	Q	But any -- do they specifically have	03:53:31
20		influence over equity grants?	03:53:35
21	A	As part of the -- I would just assume as	03:53:38
22		part of overall distribution recommendations and	03:53:40
23		decisions, that they have a hand in it -- in	03:53:43
24		anything that's awarded to an employee.	03:53:46
25	Q	Okay. Any other basis for that assumption	03:53:49

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1	that you haven't already shared with me?	03:53:54
2	A No. Except it's -- I mean, it's all	03:53:57
3	submitted into an H.R. portal.	03:53:59
4	MR. GOLDSTEIN: Objection. Calling for	03:54:01
5	speculation.	03:54:02
6	BY MS. DAVIS:	03:54:02
7	Q And you said you believe H.R. also weighs	03:54:06
8	in on PSP awards. What is the basis for your	03:54:08
9	assumption that H.R. weighs in on the amount of	03:54:11
10	individual PSP awards?	03:54:12
11	A Based on -- just based on the submission,	03:54:15
12	that it's all submitted into H.R.	03:54:17
13	Q Any other reason?	03:54:22
14	A Not that I can recall.	03:54:27
15	Q Do you have any reason to believe that H.R.	03:54:29
16	weighs in on the amount of merit increase?	03:54:33
17	A I do.	03:54:35
18	Q And what is the basis for that?	03:54:37
19	A It's submitted into an H -- an H.R. portal.	03:54:41
20	Q Any other reason supporting your statement?	03:54:48
21	A Conversations that I've personally had with	03:54:50
22	H.R. when I've had to go through that process with	03:54:53
23	people that directly reported to me.	03:54:56
24	Q Anything else?	03:54:59
25	A No.	03:55:10

1 I, SARI M. KNUDSEN, CSR NO. 13109, in and
2 for the State of California, do hereby certify:

3 I am the deposition officer that
4 stenographically recorded the testimony in the
5 foregoing deposition;

6 Prior to being examined, the deponent was
7 first duly sworn by me;

8 The foregoing transcript is a true record of
9 the testimony given;

10 Before completion of the deposition, review
11 of the transcript was not requested. If requested,
12 any changes made by the deponent (and provided to
13 the reporter) during the period allowed are appended
14 hereto.

15
16 Dated the 9th day of December, 2020.

17
18
19 
20

21 SARI M. KNUDSEN, CSR NO. 13109
22
23
24
25

Cahill v. Nike

No. 3:18-cv-01477-JR (D. Or.)

Deposition Date: November 18, 2020

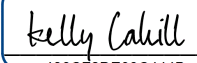
Deponent: Kelly Cahill

Page	Line(s)	Reads	Should Read	Reason
25	13	payee quality	pay equality	To correct a transcription error
25	17	payee quality	pay equality	To correct a transcription error
38	9	selling in new products	selling new products	To correct a transcription error
40	8	then ex-husband	then husband	To correct a transcription error
43	20	Gem Soda	Jones Soda	To correct a transcription error
48	23	2011	2012	To correct inadvertent error in year
59	23	EPW	ETW	To correct a transcription error
123	6	Insures	Ensures	To correct a transcription error
142	3	CFE's	CFEs	To correct a transcription error
163	4	participants	participates	To correct a transcription error
163	18	participants	participates	To correct a transcription error
173	9-10	Was rated during CFE one year what I saw everyone was getting. Not necessarily the case.	Was rated Successful during CFE one year when I was told everyone was getting Successful. But then I saw that was not necessarily the case.	To correct a transcription error
174	6	media	meeting	To correct a transcription error
177	2	Nike.com right	Nike.com that are right	To correct a transcription error
179	5	manager CFE	manager's CFE	To correct a transcription error
179	11	managing CFE	manager's CFE	To correct a transcription error
180	1	CFE's	CFEs	To correct a transcription error
185	22	Kasatani.	Fisanotti	To correct a transcription error
186	4	up levels from me	a higher level than mine	To correct a transcription error
186	7	It	He	To correct a transcription error
196	19	June 11	June 1	To correct a transcription error
196	23	CFE's	CFEs	To correct a transcription error
222	2	dikes	dykes	To correct a transcription error
222	8	dike	dyke	To correct a transcription error

223	5	dikes	dykes	To correct a transcription error
251	24	CFAE's	CFEs	To correct a transcription error
254	13	CFE's	CFEs	To correct a transcription error
263	7	D banding	debanding	To correct a transcription error
263	17	D banding	debanding	To correct a transcription error
284	19	Communication's	Communications	To correct a transcription error
297	10	July 27	July 25	To correct a transcription error
309	14	opportunity proactively	opportunity to proactively	To correct a transcription error

Subject to the above changes, I declare under the penalties of perjury of the laws of the United States that my deposition transcript is true and correct.

Executed on 1/6/2021 in west Newton, MA.

DocuSigned by:

 486CF2DE09G444B...
 Kelly Cahill